

Date: March 3, 2022

Bill number: HB1246

Committee: Judiciary

Bill title: **Child Abuse and Neglect – Reports and Records – Disclosure (Anderson’s Law)**

DHS Position: Letter of Concern

The Maryland Department of Human Services (the Department), thanks the Committee for the opportunity to provide information and present the Department’s concerns about House Bill 1246 (HB 1246).

House Bill 1246 seeks to broaden the disclosure of information concerning child abuse or neglect reports or records under certain circumstances. The bill would make significant changes to the statute regarding the disclosure of child fatality investigations and remove confidentiality protections for a report or record of abuse or neglect “if the report or record pertains to a child who:

1. suffered a fatality or near fatality;
2. was in the custody of a state department or agency or in the care of a foster parent at the time the child suffered a fatality or near fatality; and
3. is the subject of an investigation, a report, a referral, or a complaint received by a local department.”

The concern of the Department is that the removal of prosecutorial discretion to prevent release of such information may jeopardize ongoing investigations and the ability to prosecute child fatalities.

Additionally, the Department is concerned that this bill would create issues of confidentiality and personal privacy. The bill removes confidentiality protection from the above class of cases; however, the current statute preserves the confidentiality of the cases while allowing certain information about the case to be disclosed if certain conditions are met.

Maryland Health General Article §5-706 creates Local Child Fatality Review (CFR) Teams who have been charged with submitting reports providing: “discussion of individual cases, steps taken to improve coordination of services and investigations, steps taken to implement changes recommended by the local team within member agencies, and recommendations on needed changes to State and local law, policy, and practice to prevent child deaths.”¹ The Maryland CFR team is independent, multidisciplinary, and critically reviews cases to identify system opportunities for improvement. Their findings are available to the public in an annual report. Other multidisciplinary groups in Maryland have similar charges to prevent child injury and death. The State Council on Child Abuse and Neglect (SCCAN) and the Citizen Review Board for Children (CRBC) examine policies and practices for protecting children. Most recently, a state Child Maltreatment Fatality Review Team has been specifically developed to critically review specific cases of child maltreatment deaths for system issues when a local department of social services is involved.

The Department appreciates the opportunity to provide the aforementioned information to the committee for consideration during your deliberations.

¹ Health General Article §5-706 (b) (5)

